

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19-cv-00140-RJC-DSC

RAYMOND ROSADO, JR.,)
Plaintiff,)
v.)
TAM LENDING CENTER, INC., d/b/a)
Today's American Mortgage, and)
PHILIP VALIANTI,)
Defendants.)

THIS MATTER comes before the Court on Defendants' motion to dismiss, (Doc. No. 25), and the Magistrate Judge's Memorandum and Recommendation ("M&R"), (Doc. No. 26).

I. BACKGROUND

On August 31, 2018, Plaintiff filed a complaint against Defendants in the United States District Court for the District of New Jersey. On March 22, 2019, the case was transferred to this Court. After Plaintiff failed to participate in the mandatory Rule 26(f) conference, Defendants filed their own discovery plan, and the Court entered a pretrial order and case management plan under which discovery was to be completed by September 30, 2019.

After entry of the pretrial order and case management plan, Plaintiff failed to serve initial disclosures or respond to Defendants' first set of requests for production of documents and interrogatories. As a result, on August 2, 2019, Defendants filed a motion to compel. Plaintiff did not file an opposition to the motion to compel.

On August 22, 2019, the Court granted Defendants' motion to compel and directed Plaintiff to serve initial disclosures and responses to Defendants' first discovery requests within fourteen days. The Court warned Plaintiff that the failure to provide full discovery responses or to comply with the Court's orders, local rules, or the Federal Rules of Civil Procedure may result in the imposition of sanctions, including dismissal of his complaint.

Plaintiff did not comply with the Court's order on the motion to compel. Accordingly, on September 9, 2019, Defendants filed a motion to dismiss the complaint due to Plaintiff's failure to take any action in this matter. Plaintiff did not file an opposition to the motion to dismiss.

On September 30, 2019, the Magistrate Judge issued the M&R recommending that the motion be granted. Plaintiff filed an objection to the M&R, stating that he does not have the funds to secure an attorney.

II. STANDARD OF REVIEW

A district court may assign dispositive pretrial matters to a magistrate judge for "proposed findings of fact and recommendations." 28 U.S.C. § 636(b)(1)(B). The Federal Magistrate Act provides that a district court "shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made." *Id.* at § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

III. DISCUSSION

After de novo review of the record, the M&R, and Plaintiff's objection thereto,

the Court concludes that the recommendation to grant Defendants' motion to dismiss is fully consistent with and supported by current law. Plaintiff's objection fails to provide any justification for his failure to comply with this Court's order and the Federal Rules of Civil Procedure or his failure to otherwise participate in this case over the last year. Therefore, the Court adopts the M&R.

IV. CONCLUSION

IT IS THEREFORE ORDERED that:

1. The Magistrate Judge's M&R, (Doc. No. 26), is **ADOPTED**;
2. Defendants' motion to dismiss, (Doc. No. 25), is **GRANTED** and Plaintiff's claims are **DISMISSED**; and
3. The Clerk of Court is directed to close this case.



Robert J. Conrad, Jr.
United States District Judge

